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September 20, 2024

Hon. Miroslav Lovric
Federal Building and US Courthouse
15 Henry Street
Binghamton, New York 13901

Re: **Happy Hour Drinks Company, Inc. vs. Can Man, LLC d/b/a Best Bev Co., et al.**
Case No.: 3:24-cv-00047(TJM/ML)
Our File No.: 2024-116

Dear Magistrate Judge Lovric:

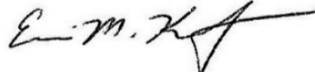
I submit this status report on behalf of Can Man, LLC and Best Bev, LLC pursuant to your direction. Following the hearing conducted on September 4, 2024 the defendants provided plaintiff with supplemental responses to each of the issues submitted by plaintiff's counsel in his correspondence dated August 27, 2024 (Document #26). These responses were provided on September 19, 2024. Defendants were unable to gather all of the paperwork for one of the discovery demands which involved communications concerning the installation, procurement and maintenance of the production facility. Although the defendants are not aware of any specific communications, there are invoices that would detail the installation of equipment and repairs to the equipment during the time frame in question. The production line is over 300 feet long and is full of moving parts so needless to say the defendants are culling through hundreds of invoices to determine what ones pertain to this demand. I have been advised by my client that I will have those documents by next Thursday, September 26th.

From the defendants' perspective, I served discovery demands on plaintiff's counsel back on July 29, 2024 and am still awaiting responses to the same (I consented to additional time as requested by plaintiff's counsel). Plaintiff's counsel has advised me that I will have responses by today with the actual documents being served by September 25th. We have the deposition of a representative from Happy Hour tentatively scheduled to be conducted remotely on October 10, 2024, however, this will be dependent upon receiving responses to defendants' discovery demands by next week. The plan is to have a representative of the defendants deposed remotely by the middle of November. Mediation is scheduled for November 25, 2024.

Should the Court require any further information, please do not hesitate to contact me.

Very truly yours,

COOK, KURTZ & MURPHY, P.C.

A handwritten signature in black ink, appearing to read "Eric M. Kurtz", with a stylized flourish at the end.

ERIC M. KURTZ

EMK:tmr

cc: Joseph A. Churgin, Esq.
Savad Churgin